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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,913	07/30/2003	Robert von Goeben	6681P001	9629

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,913

Applicant(s)

GOEBEN, ROBERT VON

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 1-13 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/03 & 2/11/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of amendment on 8/30/04. In response to the restriction requirement, applicant has elected Species 1, claims 1-13, with generic claims 16-20 for examination purposes. According to the amendment, claims 14-15 have been canceled, and claims 1-13 and 16-20 are pending.

Claim Objections

1. Claims 1-4, 6, 13, 16 are objected to because of the following informalities:
 - a) In claim 1, lines 7-8, the claimed limitation "the player" should be corrected to "a player".
 - b) In claim 1, line 18; and claim 2, line 4, the claimed limitation "at least one number" should be corrected to "the at least one number".
 - c) In claim 3, line 6, the claimed limitation "touches" should be corrected to "touches allowed".
 - d) In claim 4, line 5, the claimed limitation "touch pad device" should be corrected to "touch pad sensor".
 - e) In claim 6, line 2, the claimed limitation "a second network" should be corrected to "the second network".

- f) In claim 13, line 6, the claimed limitation "a default" should be corrected to "the default".
- g) In claim 13, line 7, the claimed limitation "a counter" should be corrected to "the counter".
- h) In claim 16, line 5, the claimed limitation "the player" should be corrected to "a player".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett (WO 99/10052).

As per claim 16, Barrett discloses a system for playing a hand to hand game comprising an attaching device (Fig. 1); a sensor 14 (Fig. 3); a controller 12 (Fig. 3) (page 2, second paragraph; and page 7, first two paragraphs).

Barrett does not explicitly disclose a touch pad sensor and a counter. However, since Barrett discloses implementing a sensor 14 (Fig. 3) in a monitoring device

10 for monitoring the force imposed on the sensor and since touch pad sensor is well known to detect force imposed on the sensor, Barrett obviously discloses the touch pad sensor for detecting touch forces. Further, since Barrett discloses counting the number of impacts (page 12, claim 8) and since including a counter for counting data would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a well known counter in a controller in order to count the number of impacts imposed on the sensor.

As per claim 17, Barrett discloses an input 22 (Fig. 3) for resending the controller and for starting the game (page 6, last paragraph; and page 7, third paragraph). Further, including an ON/OFF button for powering a controller would have been well known; Barrett further discloses a display 16 (Fig. 3) and a speaker 18 (Fig. 3) (page 7, first two paragraphs). Further, including a sound chip for generating a sound signal to a speaker would have been well known to a person of ordinary skill in the art at the time the invention was made.

Allowable Subject Matter

4. Claims 1-13 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

5. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record fails to show or fairly suggests a method for playing a hand-to-hand game as set forth in independent claim 1, or in dependent claims 18-20 in combination with claim 16 including but not limited to at least "entering a designated number or "touches allowed" into the plurality of controllers", "having the plurality of players chase after one another and touch the plurality of touch pad sensors of other players", "decrementing the number of "touches allowed" by a default decrement value for each touch received from another player", "eliminating any player once the player has no more number of "touches allowed"", "terminating play once there is only one player with at least one number of "touches allowed" remaining", and "declaring as a winner the player with at least one number of "touches allowed" remaining".

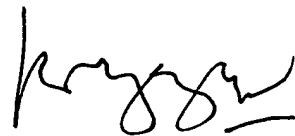
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number

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is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

kn
Date: May 12, 2005

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen
Primary Examiner
Art Unit 3713